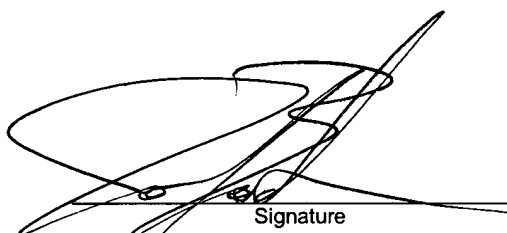


PTO/SB/33 (07-05)  
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 449122020100	
	Application Number 10/038,857	Filed January 8, 2002	
	First Named Inventor Giovanni BENINI		
	Art Unit 2643	Examiner B. W. Taylor	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div><div><p>I am the</p><p><input type="checkbox"/> applicant /inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input type="checkbox"/> attorney or agent of record. Registration number _____</p><p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>45,640</u></p></div><div><p>Signature</p><p>Jonathan Bockman Typed or printed name</p><p>(703) 760-7769 Telephone number</p><p>November 29, 2005 Date</p></div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Attorney Docket No.: 449122020100  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Giovanni BENINI et al.

Application No.: 10/038,857

Confirmation No.: 6367

Filed: January 8, 2002

Art Unit: 2643

For: CHARGE METERING SYSTEM AND  
METHOD FOR DATA TRANSMISSION,  
ASSOCIATED UNITS, PROGRAM AND  
ELECTRONIC CREDIT

Examiner: B. W. Taylor

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request review of the final rejection mailed July 29, 2005, for the reasons below.

**I. CLAIMS 1 AND 11-14 HAVE BEEN IMPROPERLY REJECTED UNDER 35 USC 112, FIRST PARAGRAPH.**

In the final Action, the Examiner rejected claims 1 and 11-14 under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner stated that "independent claims 1 and 11-14 now recited a telephone network employing circuit switching wherein the telephone network performs the storing, controlling transmitting and clearing the data transmissions" (emphasis in original). In the Response filed on May 24, 2005, this language was

removed from the independent claims, making this rejection moot. Accordingly, the inclusion of this rejection in the final Action appears to be in error.

**II. CLAIMS 1 AND 11-14 HAVE BEEN IMPROPERLY REJECTED UNDER 35 USC 103(a) IN VIEW OF LELEU AND CORWITH.**

As described in the Response dated May 24, 2005, the claims clearly claim methods and networks for controlling the resources of a decentralized network in order to reserve a data path and control units for communicating voice data between two terminals. As discussed in the background, it is a problem in the prior art that the centralized network was requested to reserve the resources of decentralized terminals, thus requiring additional changes to the protocols and inefficient processing. This invention resolves the problems in the prior art by using an electronic credit that reserves the resources for the data communication at the terminal end, i.e., rather than requesting the central network.

Neither LeLeu nor Corwith describe or suggest controlling the resources of a decentralized network in order to reserve a data path and control units for communicating voice data between two terminals in the claimed manner.

In final Action, the Examiner responded to the Response dated May 24, 2005, by simply stating that LeLeu discloses this newly claimed subject matter at col. 6 lines 14-45. This portion of LeLeu, however, has nothing to do with controlling the resources of a decentralized network in order to reserve a data path and control units for communicating voice data between two terminals as claimed. Further, this portion of LeLeu does not even describe the combination of a decentralized and centralized network. Accordingly, the Examiner's rejection is clearly erroneous and is not supported by the cited references.

In view of the above, it is believed that all of the pending rejections should be withdrawn.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 449122020100.

Dated: November 29, 2005

Respectfully submitted,

By

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